

FORM PTO-1619A  
Expires 08/30/99  
OMB 0651-0027

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**



**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

**TO: The Commissioner of Patents and Trademarks:** Please record the attached original document(s) or copy(ies).

**Submission Type**

- New  
 Resubmission (Non-Recordation)  
 Document ID# \_\_\_\_\_  
 Correction of PTQ Error  
 Reel # \_\_\_\_\_ Frame # \_\_\_\_\_  
 Corrective Document  
 Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

**Conveyance Type**

- Assignment       Security Agreement  
 License       Change of Name  
 Merger       Other \_\_\_\_\_  
**U.S. Government**  
(For Use ONLY by U.S. Government Agencies)  
 Departmental File       Secret File

**Conveying Party(ies)**

Name (line 1)  W. Doyle Miller

Name (line 2)

**Second Party**

Name (line 1)  David M. Keicher

Name (line 2)

Mark if additional names of conveying parties attached      Execution Date  
 Month Day Year

09-05-01

Execution Date  
 Month Day Year

09-05-01

**Receiving Party**

Name (line 1)  Optomec Design Company

Name (line 2)

Address (line 1)  3911 Singer Boulevard, N.E.

Address (line 2)

Address (line 3)  Albuquerque  
City

Mark if additional names of receiving parties attached

If document to be recorded  
is an assignment and the  
receiving party is not  
domestic in the United  
States, an appointment  
of a domestic  
representative is attached.  
(Designation must be a  
separate document from  
Assignment.)

New Mexico      Zip Code

87109

Zip Code

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name  Thomas N. Giaccherini

Address (line 1)  PO Box 1146

Address (line 2)  Carmel Valley, CA 93924

Address (line 3)

Address (line 4)

**FOR OFFICE USE ONLY**

01/28/2001 NROCHAI 00000007 09841871

45-FC-561

40.00 DP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Practitioner's Docket No. ODC 1120-DIVA**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: David M. Kicher, et al.  
 Application No.: 09 841,871 Group No.: 1762  
 Filed: April 24, 2001  
 For: MULTIPLE BEAMS AND NOZZLES TO INCREASE DEPOSITION RATE Examiner: Eric B. Fuller  
 Issue Date: \_\_\_\_\_

Patent\*: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reexamination No.: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reissue:

\*NOTE: Insert name(s) of inventor(s) and title for patent.

Assistant Commissioner for Patents  
 Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)—  
 ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
 37 C.F.R. § 1.8(a)
- with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"  
 Mailing Label No. \_\_\_\_\_ **(mandatory)**

**TRANSMISSION**

- transmitted by facsimile to the Patent and Trademark Office. (703) 746-8879

**Signature**Date: September 13, 2002Jeffrey D. Myers

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(d).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [10-10]—page 1 of 4)

**NOTE:** 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . ., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

**NOTE:** "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

### **IDENTIFICATION OF ASSIGNEE**

2. Optomec Design Company

Name of assignee  
Corporation

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

### **PERSON AUTHORIZED TO SIGN**

3. David M. Keicher

(type name of person authorized to sign on behalf of assignee)

Chief Technology Officer and Vice President

Title of person authorized to sign

**NOTE:** The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

- I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 2 of 4)

**BASIS F ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

**A.**

1.  An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at  
Reel 012358, Frame 0669-0672
2.  An assignment (document) separately being submitted for recordal herewith.

**AND/OR**

- B.**  A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of Inventor(s)

To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

2. From: \_\_\_\_\_  
Name of Inventor(s) or assignee

To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

3. From: \_\_\_\_\_  
Name of Inventor(s) or assignee

To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

(check item below, and add details, if applicable)

- Additional documents in the chain of title are listed in the attached Supplemental Sheet.

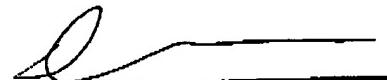
**COPIES OF DOCUMENTS IN CHAIN OF TITLE**

(complete this item, if copies are being sent)

- Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

A       1       2  
 B       1       2       3

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 3 of 4)

  
(Signature of authorized person)

David M. Keicher

(type or print name of authorized person)

Chief Technology Officer and Vice President

Title of authorized person

  
SIGNATURE OF PRACTITIONER

Jeffrey D. Myers

(type or print name of practitioner)

PEACOCK, MYERS & ADAMS, P.C.

P.O. Address

P.O. Box 26927

Albuquerque, New Mexico 87125-6927

Reg. No.: 35,964

Tel. No.: (505) 998-1502

Customer No.: 005179

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 4 of 4)

FORM PTO-1619B  
Expires 05/30/99  
OMB 0651-0027

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U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

**Correspondent Name and Address**

Area Code and Telephone Number (831) 659-5300

Name Thomas N. Giaccherini

Address (line 1) PO Box 1146

Address (line 2) Carmel Valley, CA 93924

Address (line 3)

Address (line 4)

**Pages** Enter the total number of pages of the attached conveyance document  
including any attachments.

# 4

**Application Number(s) or Patent Number(s)** Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Number(s)****Patent Application Number(s)**

09/841,871

PCT

PCT

PCT

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ 80.00

**Method of Payment:****Deposit Account**

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# charge to credit card

Authorization to charge additional fees:

Yes

No X

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas N. Giaccherini, Registration No. 31,075

Name of Person Signing

Signature

Date

14 Nov 01.

Patent Application Assignment  
A&G Docket No. ODC1120-DIVA

U.S.S.N. 09/841,871

## ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned,

**David M. Keicher**

who has created a certain invention for which an Application for United States Letters Patent, Serial No. 09/841,871 has been executed concurrently herewith and is entitled

### **Multiple Beams and Nozzles to Increase Deposition Rate**

Do hereby sell, assign and transfer to Optomec Design Company, a Corporation organized in accordance with the Laws of the State of New Mexico, having a place of business in Albuquerque, in the County of Bernalillo, its successors, assigns, and legal representatives, the full and exclusive right to said Invention and said Application and to any and all Inventions described in said Application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States, its territorial possessions and all foreign countries; and in and to any and all Continuations-in-Part, Continuations, Divisions, Substitutes, Reissues and Extensions thereof, and all other Applications for Letters Patent relating thereto which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries, and all rights, together with all priority rights, under any of the International Conventions, Unions, Agreements, Acts, and Treaties, including all future Conventions, Unions, Agreements, Acts, and Treaties;

First Page of Two Pages

Patent Application Assignment  
A&G Docket No. ODC1120-DIVA

U.S.S.N. 09/841,871

Agree that Optomec Design Company, hereinafter referred to as Assignee, may apply for and receive Letters Patent for said Invention and said Inventions, hereinafter referred to as said Invention, in its own name, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this Assignment, at the expense of said Assignee, its successors, assigns and legal representatives, the undersigned will execute all Continuations-in-Part, Continuations, Substitutes, Reissues, and Extensions thereof; execute all rightful Oaths or Declarations, Assignments, Powers of Attorney and other papers, testify in any legal or quasi-legal proceedings; communicate to said Assignee, its successors, assigns or legal representatives all facts known to the undersigned relating to said Invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns, or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said Invention and for vesting title to said Invention and all Applications for Patents on said Invention in said Assignee, its successors, assigns, or legal representatives; and

Covenant with said Assignee, its successors, assigns, or legal representatives that no Assignment, Grant, Mortgage, License or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

In testimony whereof I have hereunto set my signature on the date indicated below.



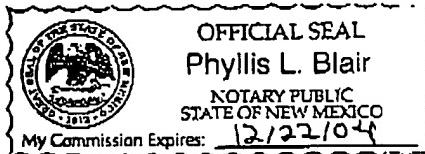
\_\_\_\_\_  
David M. Keicher

9-6-01

\_\_\_\_\_  
Date

Notary: 

Return Address: Thomas N. Giaccherini  
Anglin & Giaccherini  
Post Office Box 1146  
Carmel Valley, California 93924  
831.659.5300



Second Page of Two Pages

Patent Application Assignment  
A&G Docket No. ODC1120-DIVA

U.S.S.N. 09/841,871

## ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned,

**W. Doyle Miller**

who has created a certain invention for which an Application for United States Letters Patent, Serial No. 09/841,871 has been executed concurrently herewith and is entitled

### **Multiple Beams and Nozzles to Increase Deposition Rate**

Do hereby sell, assign and transfer to **Optomec Design Company**, a Corporation organized in accordance with the Laws of the State of New Mexico, having a place of business in Albuquerque, in the County of Bernalillo, its successors, assigns, and legal representatives, the full and exclusive right to said Invention and said Application and to any and all Inventions described in said Application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States, its territorial possessions and all foreign countries; and in and to any and all Continuations-in-Part, Continuations, Divisions, Substitutes, Reissues and Extensions thereof, and all other Applications for Letters Patent relating thereto which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries, and all rights, together with all priority rights, under any of the International Conventions, Unions, Agreements, Acts, and Treaties, including all future Conventions, Unions, Agreements, Acts, and Treaties;

First Page of Two Pages

Patent Application Assignment  
A&G Docket No. ODC1120-DIVA

U.S.S.N. 09/841,871

Agree that Optomec Design Company, hereinafter referred to as Assignee, may apply for and receive Letters Patent for said Invention and said Inventions, hereinafter referred to as said Invention, in its own name, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this Assignment, at the expense of said Assignee, its successors, assigns and legal representatives, the undersigned will execute all Continuations-in-Part, Continuations, Divisions, Substitutes, Reissues, and Extensions thereof; execute all rightful Oaths or Declarations, Assignments, Powers of Attorney and other papers, testify in any legal or quasi-legal proceedings; communicate to said Assignee, its successors, assigns or legal representatives all facts known to the undersigned relating to said Invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns, or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said Invention and for vesting title to said Invention and all Applications for Patents on said Invention in said Assignee, its successors, assigns, or legal representatives; and

Covenant with said Assignee, its successors, assigns, or legal representatives that no Assignment, Grant, Mortgage, License or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

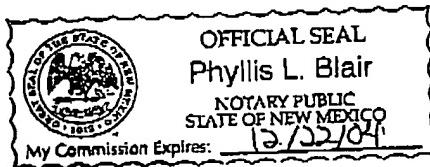
In testimony whereof I have hereunto set my signature on the date indicated below.

W. D. Miller  
W. Dolye Miller

9/5/01  
Date

Notary: Phyllis L. Blair

Return Address: Thomas N. Giaccherini  
Anglin & Giaccherini  
Post Office Box 1146  
Carmel Valley, California 93924  
831.659.5300



Second Page of Two Pages



FEBRUARY 04, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and  
 Director of the United States Patent and Trademark Office  
 Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

THOMAS N. GIACCHERINI  
 PO BOX 1146  
 CARMEL VALLEY, CA 93924



\*101915759A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/26/2001

REEL/FRAME: 012358/0669  
 NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
 MILLER, DOYLE W.

DOC DATE: 09/05/2001

ASSIGNEE:  
 KEICHER, DAVID M.

DOC DATE: 09/05/2001

ASSIGNEE:  
 OPTOMECH DESIGN COMPANY  
 3911 SINGER BOULEVARD, N.E.  
 ALBUQUERQUE, NEW MEXICO 87109

SERIAL NUMBER: 09841871  
 PATENT NUMBER:

FILING DATE: 04/24/2001  
 ISSUE DATE:

TARA WASHINGTON, EXAMINER  
 ASSIGNMENT DIVISION  
 OFFICE OF PUBLIC RECORDS